

## REMARKS

In response to the Office Action dated November 18, 2009, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claim 28 was rejected under 35 U.S.C. § 103 as being unpatentable over Dolan in view of Roberts. Claims 1-3, 5-8, 11-18, 21, 23-25 and 29 were rejected under 35 U.S.C. § 103 as being unpatentable over Dolan in view of Roberts and Hoopes. Claims 9-10, 19-20 and 26-27 were rejected under 35 U.S.C. § 103 as being unpatentable over Dolan in view of Roberts and Hoopes and Taylor. These rejections are traversed for the following reasons.

This application was filed after November 29, 1999 entitling this application to the benefits of 35 U.S.C. § 103(c). Applicants assert that the subject matter of this application and Roberts were, at the time of the invention of the subject matter of this application, owned by the same party or subject to an obligation of assignment to the same party, namely BellSouth Intellectual Property Corporation. Accordingly, under 35 U.S.C. § 103(c), Roberts cannot be applied as prior art against this application.

Furthermore, Roberts (U.S. Patent 7254226) features the same inventive entity as the inventors on this pending application, namely Linda Roberts and Edward Silver. As such, U.S. Patent 7254226 cannot be applied under 35 U.S.C. § 102(a) or 102(e) as the reference is not “by another.” Accordingly, the rejections based on Roberts should be withdrawn.

Applicants note that any subsequent new grounds of rejection must be non-final, as this response does not contain any amendments necessitating a new grounds of rejection.

In view of the foregoing remarks, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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